

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JONATHAN ABRAHAM,

Plaintiff,

vs.

MARIAN SHIELDS ROBINSON, *et al.*,

Defendants.

Case No.: 2:23-cv-00101-GMN-EJY

ORDER

Two Reports and Recommendations from United States Magistrate Judge Elayna J. Youchah are currently pending before the Court. The first Report and Recommendation (R&R), (ECF No. 4), recommended (1) dismissing Defendants Marian Shields Robinson, Paul Ryan, Michelle Obama, and Janna Ryan with prejudice for lack of personal jurisdiction; (2) dismissing all claims made against Oscar Goodman and John Huck without prejudice for failure to state a claim; (3) providing Plaintiff an opportunity to amend his Complaint to state comprehensible causes of action; and (4) dismissing this matter in its entirety without prejudice if Plaintiff failed to amend his complaint by February 28, 2023.¹ The second R&R, (ECF No. 9), recommended dismissing this matter without prejudice because Plaintiff did not file an amended complaint by February 28, 2023.

A party may file specific written objections to the findings and recommendations of a United States Magistrate Judge made pursuant to Local Rule IB 1-4. 28 U.S.C. § 636(b)(1)(B); D. Nev. R. IB 3-2. Upon the filing of such objections, the Court must make a *de novo* determination of those portions to which objections are made. *Id.* The Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge.

¹ The first R&R included an Order from the Magistrate Judge granting Plaintiff's application to proceed *in forma pauperis*. (See Order and First R&R, ECF No. 4).

28 U.S.C. § 636(b)(1); D. Nev. R. IB 3-2(b). Where a party fails to object, however, the Court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985) (citing 28 U.S.C. § 636(b)(1)). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge’s report and recommendation where no objections have been filed. *See, e.g., United States v. Reyna–Tapia*, 328 F.3d 1114, 1122 (9th Cir. 2003).

Here, no objections to either R&R were filed, and the deadlines to do so have passed. (See Min. Orders, ECF Nos. 4, 9) (setting February 6, 2023, and April 7, 2023, deadlines for objections). The Court therefore ADOPTS the first R&R in full. But because the first R&R merely *recommended* dismissing the complaint with leave to amend, the Court REJECTS the second R&R. Plaintiff must still be given an opportunity to amend the complaint. A recommendation is not an order, and thus the Court has not yet granted Plaintiff additional time to amend the complaint.² *See Anderson v. Nevada*, No. 22-16856, 2023 WL 3092307, at *1 (9th Cir. Apr. 26, 2023); (Order 3:2–3, ECF No. 6 in *Wiley v. Las Vegas Police Dep’t et al.*, No. 2:23-cv-141-GMN-EJY) (“A plaintiff cannot be penalized for failing to follow a recommendation of a magistrate judge that was not yet adopted by the district judge.”).

Accordingly,

IT IS HEREBY ORDERED that the first Report and Recommendation, (ECF No. 4), is **ADOPTED in part**, with a modification as stated below to provide Plaintiff additional time to file an amended complaint.

IT IS FURTHER ORDERED that Plaintiff’s Complaint, (ECF No. 1-1), is **DISMISSED without prejudice**. Plaintiff shall have until **November 1, 2023**, to file an amended complaint in accordance with the Magistrate Judge’s Order and Report and

² On May 22, 2023, Plaintiff filed what is labeled an “Amended Complaint” on the docket, (ECF No. 13). The Court notes that this “Amended Complaint” is an internal administrative complaint form from the Office of the Attorney General. The Court disregards this filing for purposes of this Order.

1 Recommendation, (ECF No. 4). Failure to timely file an amended complaint will result in this
2 case being closed.

3 **IT IS FURTHER ORDERED** that the second Report and Recommendation (ECF No.
4 9), is **REJECTED in full**.

5 Dated this 10 day of October, 2023.

6 
7 _____
8 Gloria M. Navarro, District Judge
9 United States District Court
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25